

REMARKS

Claims 1-99 are currently pending in this application. The non-final Office Action mailed March 9, 2004 rejected claims 1-99. Claims 1, 11, 17, 36, 52, 53, 61, 63, 67, 73, 78, 86, and 97 were amended in response to the objection. Claims 77 and 81 have been canceled. No new matter has been added, and it is respectfully submitted that each of the present claims find basis and support in the application as filed. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

Claim Objections

Claims 47 and 52 are objected to in the Office Action as they recite the same limitations and are dependent from the same parent claim. Applicants respectfully thank the Examiner for this observation and amends claim 52 to correct a typographical error, and for no other reason.

Claim Rejections Under 35 U.S.C. §112

Claims 11, 63, 77, and 80 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter for which the applicants regards as the invention. In response, claims 11 and 63 have been amended, and claims 77 and 81 have been canceled. No new matter has been added with this amendment.

Rejection of Claims Under 35 U.S.C. § 102

The Office Action rejected claims 1-14, 16-21, 23-25, 29-30, 36, 39-40, 42, 48-50, 53-57, 61-63, 65-70, 73-81, 84-89, and 94-97 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,420,866 to Wasilewski (herein as "Wasilewski"). Applicants respectfully traverse this rejection.

The Applicants respectfully submit that the prior art reference, does not anticipate nor makes obvious the claimed invention as presently amended. For example, amended claim 1 recites

an apparatus for selectively encrypting data for transmission over a network between a server and a client. The apparatus comprises, among other things, an encrypter configured to determine if the first portion of the data is to be encrypted based on a format of the first portion of the data and if it is to be encrypted, to encrypt the first portion of the data. As described in the specification, if the encryption unit sees a data type that it recognizes, then it selectively encrypts only the recognized portion of the data stream. Such determination is based on the format of the data sent. See Specification, page 9, lines 18-21, and page 15, lines 21-23.

Unlike the claimed invention, however, Wasilewski neither discloses nor suggests an encrypter that is configured to determine based on the format of the first portion of the data if the first portion of the data is to be encrypted. Rather, Wasilewski merely describes **each sequence** of the Transport Packets as being fed to an encryptor apparatus, which encrypts the elementary stream data carried in the payload section of the Transport Packets **of each sequence**. See Wasilewski page 9, lines 20-35, and Figure 3A. As such, Wasilewski does not selectively encrypt the first portion of the data **based on the format of the first portion of the data**. Thus, Wasilewski does not anticipate nor make obvious the claimed invention. Thus, for at least these reasons, amended claim 1 should be allowed to issue.

Additionally, amended independent claims 17, 36, 53, 61, 67, 73, 78, 86, and 97 include similar limitations as claim 1, albeit different, they are also allowable for at least substantially the same reasons as independent claim 1. Accordingly, Applicants respectfully submit that the rejection of these pending claims is also improper. Thus, Applicants respectfully request the allowance of the claims rejected by this Office Action be allowed to issue.

In regard to Claims 2-16, and 48-50, which are dependent on amended independent claim 1, they are allowable for at least the same reasons discussed above for that amended independent claim and should be allowed to issue. Similarly, claims 18-35, 37-47, and 51-52 are dependent on amended independent claims 17 and 36, respectively; therefore, they are allowable for at least the same reasons discussed above for those independent claims and should be allowed to issue. Furthermore, claims 54-60, 62-66, 68-72, 74-77, 79-85, 87-96, and 98-99 are dependent on independent claims


53, 61, 67, 73, 78, 86, and 97, respectively; therefore, they are allowable for at least the same reasons discussed above for those independent claims and should also be allowed to issue.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believe that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

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Respectfully submitted,

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